IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CRIMINAL JURISDICTION

CRIMINAL APPEAL NO.684 OF 2005

The State of Maharashtra. ...Applicant.
Vs.
Mohan S. Chavan. ..Respondent.

Mr.A.S.Gadkari, A.P.P. for the Applicant-State.

Smt.P.U. Badadare i/by P.R.Arjunwadkar for the Respondents.

CORAM: J.N. PATEL &
R.S. MOHITE, JJ.
DATED :10TH JANUARY,2007.

P.C.

1. This appeal has been preferred by the State impugning the Judgment and order dated 24.12.2004 passed by the III Ad-hoc Asstt.Sessions Judge, Kolhapur in Sessions Case No.170 of 2003, wherein, Mohan Sahadeo Chavan/original accused No.1 came to be tried alongwith co-accused for having committed offence Under Sections-307,504 and 506 read with 34 of the Indian Penal Code and under Section 7(1)(d) of the Prevention of Civil Rights Act. The learned Trial Judge found respondent-original accused No.1 Mohan Sahadeo Chavan guilty of having committed offence under Section 307 of the Indian Penal Code

and sentenced him to suffer rigorous imprisonment for three years and to pay a fine of Rs.1000/-, in default to suffer further rigorous imprisonment for three months and acquitted him from other charges and also co-accused in this case.

2. It is submitted by the learned A.P.P. that considering the nature of weapon used by the assailant, the fact that the injury was caused on vital part of the victim and the fact that P.W.No.8 Dr. Deshmukh has opined that Injury No.1 was grievous and the injuries are caused on the vital part of the body and would certainly caused death of prosecution witness i.e. P.W.No.2. Letting of the respondent with merely a sentence of three years and a fine of Rs.1000/- was not justified. We have examined the reasoning given by the learned Trial Court while considering the quantum of sentence. We found that the Trial Court has taken into consideration factors like respondent-accused No.1 was 42 years old and has three small children depending upon him and also old aged mother. No previous conviction is brought on record. Considering the responsibility of the accused, circumstances of the case and the nature of injuries caused to P.W.No.2 Suryakant Mahapure, it was felt

that the sentence of three years rigorous imprisonment was justified. We find that the discretion used by the Trial Court cannot be said to be unreasonable in the background of the facts of the case and does not call for any interference. Therefore, appeal is dismissed.

(J.N. PATEL, J.)

(R.S.MOHITE, J.)